

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE GARCIA,

Plaintiff,

**STATEMENT PURSUANT  
TO LOCAL CIVIL RULE 56.1**

-against-

08-CV-4274 (RJS)

THE CITY OF NEW YORK, and ANTHONY  
PEZZULLO,

Defendants.

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Defendants, as and for their Statement Pursuant to Local Civil Rule 56.1(b), in response to movant's statement, for purposes of this summary judgment motion only and no other purpose, including trial of this matter, state as follows:

1. Admit.
2. Admit that Pezzullo was assigned as lead detective.
3. Admit that Pezzullo was the only lead detective on the Vasquez murder.
4. Admit that Pezzullo prepared the reports, and further state that the

remainder of this paragraph constitutes a legal conclusion, viz., that Pezzullo prepared the reports "in the course of his duties as an NYPD detective."

5. Admit that Pezzullo met with Denor as described in this paragraph.
6. Admit that Pezzullo met with Denor (*see* paragraph 5, above), and further state that the remainder of this paragraph constitutes a legal conclusion, viz., that Pezzullo met with Denor "in the course of his investigation."
7. Admit that Pezzullo met or spoke with John Garey and other potential witnesses.

8. Admit that Pezzullo had the meetings, as stated (*see* paragraph 7), and further state that the remainder of this paragraph constitutes a legal conclusion, viz., that Pezzullo had the meetings “in the course of his investigation.”

9. Admit that Pezzullo participated in identification procedures as described in this paragraph.

10. Admit that Pezzullo showed Denor photos, and further state that the remainder of this paragraph constitutes a legal conclusion, viz., that Pezzullo had the meetings “in the course of investigating the Vasquez murder.”

11. Admit.

12. This paragraph sets forth a legal conclusion.

13. Admit that Pezzullo did not know Garcia before the Vasquez murder.

14. Admit.

15. This paragraph sets forth a legal conclusion.

16. Admit.

Dated: New York, New York  
October 1, 2010

MICHAEL A. CARDOZO  
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By: \_\_\_\_\_ /s/  
Arthur G. Larkin (AL 9059)